APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,171	10/01/1999	KHURSHED MAZHAR	3797.80030	7939

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EXAMINER
BECKER, SHAWN M

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 January 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _18-21_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _18-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

         application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This action is in response to communication filed 1/20/04.

Claim Rejections - 35 USC § 102/103

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this
> or a foreign country, before the invention thereof by the applicant for a patent.

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 18, and 20-21 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the

alternative, under 35 U.S.C. 103(a) as obvious over RealPlayer G2™ ©1998 (hereinafter

RealPlayer) as supported by the screenshots provided along with the original PTO-892 Notice of

References cited mailed 9/25/02 and the press release "Realnetworks Ships Final Release of

Realsystem G2, Next Generation Media Delivery System" (hereinafter Press Release) provided

with the PTO-892 Notice of References cited mailed 2/27/03.

Referring to claim 18, RealPlayer is implemented in a computer system having a display

device and a speaker for playing a source of streaming media. RealPlayer is a program that

accesses data and files (audio and video files) from the World Wide Wed. It reads and processes

hyperlinks to get to the appropriate site, and is therefore a Web browser. The display shows a

graphical user interface of a Web browser (RealPlayer), which displays a Web page in a browser pane (see screenshot 2, right half). The graphical user interface comprises a radio toolbar for displaying at least one button capable of controlling said first source of streaming media (i.e. the play button, mute button, and Presets menu in screenshot 2). It is not explicitly shown in the screenshots of RealPlayer, but it is implicitly implied that the radio toolbar of RealPlayer has at least one button for controlling the first source of streaming media irrespective of the web page content being browsed. It is apparent that the user may play streaming media, from the "Presets" menu for example, while the Web page content being browsed within screenshot 2 concerns the auto update feature of RealPlayer. The preset stations and the auto update feature are irrespective of each other. As another example, the user of RealPlayer may search the Web while playing the streaming media, as indicated by the "excite" and "search" areas within screenshot 2. This is further supported in page 2 of the Press Release under the section "RealAudio and RealVideo Search", which describes integrating the RealPlayer with a Web browser. The current streaming media will continue to play until the user selects a different streaming media from the search results. Furthermore, controls are provided in RealPlayer for stopping, muting, and changing the volume of the first source of streaming media (Fig. 2), which does not affect the content displayed in the minibrowser (right portion of Fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art to ensure the buttons in the radio toolbar of RealPlayer control the first source of streaming media irrespective of the Web page content being browsed, such that the browsing does not interrupt the play of the streaming media and the streaming media does not interrupt the browsing of the Web page.

Referring to claim 20, RealPlayer teaches a computer system having a display device for rendering a graphical user interface of a Web browser (RealPlayer) displaying Web page content in a browser pane (minibrowser on right side of screenshot 2) and having at least on speaker for playing a first source of streaming media. The graphical interface (RealPlayer) has at least one explorer bar (Channels bar and Search bar in screenshot 2) for providing a display area adjacent to the browser pane. The Channels bar is registered with the Web browser (RealPlayer) as a band object. The explorer bar allows user input regarding the first source of streaming media irrespective of the Web page content present in the browser pane. For example, the user may select the first source of streaming media to be from the "Video Music Network" (screenshot 2) while searching for other streaming media as described above.

Referring to claim 21, RealPlayer teaches a computer-readable medium having computer-executable components comprising:

a) a radio server component for playing a radio source of streaming media (i.e. broadcasting radio station making music available, such as the ones in the Channels bar) irrespective of content being displayed in a simultaneously used Web browser as described above regarding integrating a Web browser with the RealPlayer to search for media files, for example;

b) an interfacing component for communicating with the radio server component (RealPlayer window in Screenshot 3); and

c) at least one radio-client component communicating through the interfacing component

in order to provide instructions to the radio server component regarding the radio source of

streaming media (i.e. control buttons in toolbar of RealPlayer in Screenshot 3).

4.   Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over RealPlayer and

Applicant's Admitted Prior Art (hereinafter AAPA).

Referring to claim 19, RealPlayer is implemented in a computer system having a display

device and a speaker for playing a source of streaming media. RealPlayer is a program that

accesses data and files (audio and video files) from the World Wide Wed. It reads and processes

hyperlinks to get to the appropriate site, and is therefore a Web browser. The display shows a

graphical user interface of a Web browser (RealPlayer), which displays a Web page in a browser

pane (see screenshot 2, right half).

a) The graphical user interface comprises a radio toolbar for displaying buttons capable

of controlling said first source of streaming media (i.e. the play button, mute button, and Presets

menu in screenshot 2) irrespective of the Web page content being browsed as described above.

The interface of RealPlayer contains:

i) a play button for instructing the Web browser (RealPlayer) to play the first

source of streaming media (see toolbar near top of screenshot 2);

ii) a mute button for instructing the Web browser to silence the first source of

streaming media (button above word "video" in screenshot 2);

iii) a volume slider for controlling the volume of the first source of streaming

media played over the speaker (see slider above mute button in screenshot 2);

iv) a radio-stations button allowing user selection of the first source of streaming

media (see Channels bar in screenshots 2 and 3);

v) an information area displaying information about the first source of streaming

media (see clip info in screenshot 3).

RealPlayer does not show that the mute button, volume slider, radio-stations button, and

information area are in the same toolbar as the play button, but RealPlayer does show that these

control buttons can be placed in the same toolbar. RealPlayer supports this teaching by showing

the mute button can be in the toolbar, when the view is set to Compact Mode (screenshot 4). In

Fig. 13 of the Instant Specification, which shows that which is Prior Art, the toolbar in Windows

Media Player © contains a play button, mute button, volume slider, and information area. It

would have been obvious to one of ordinary skill in the art to place the volume, slider, radio-

stations button, and information area of RealPlayer in the same toolbar as the play button as

shown in the AAPA in order to keep all audio controls near each other.

b) RealPlayer further comprises at least one explorer bar for providing a display area

adjacent to the browser pane, which is capable of displaying information and allowing user

interaction (see Channels bar and Search bar in screenshot 2).

c) The graphical user interface of the Web browser (RealPlayer), further comprises a

menu bar that includes a plurality of menu entries: File, View, Options (Tools), Presets

(Favorites), Sites (Favorites), and Help. The Presets and Sites menu entries both provide links to

commonly navigated sites on the Web, just as the Favorites menu entry. The Web browser in

Fig. 13, which shows that which is Prior Art, comprises a menu bar that includes the menu

entries: File, Edit, View, Tools, and Favorites. It would have been obvious to group the Presets

and Sites menu entries of RealPlayer into one menu entry and to add the Edit menu entry in order

to provide cut and paste operations as is done in the Internet Explorer™ browser.

d-f) The graphical user interface shows a status bar showing a current status for the Web

page (see bottom of screenshot 2). RealPlayer shows a minibrowser, which does not include a

standard-button toolbar consisting of navigation-toolbar buttons: Back, Forward, Stop, Refresh,

Home, Search, History, Print, Mail, and Edit. RealPlayer also does not show an address bar

identifying an address for the Web page being displayed by the Web browser in the browser

pane. However, RealPlayer teaches launching a Web browser, such as Netscape Navigator ™ or

Internet Explorer™, when the user selects a site from the Sites menu. Page 2 of the Press

Release under the section "RealAudio and RealVideo Search" further describes integrating the

RealPlayer with a Web browser. Internet Explorer™ (shown in Fig. 13 of Instant Specification)

includes the standard-button toolbar and an address bar. It would have been obvious to one of

ordinary skill in the art at the time of the invention to include the standard-button toolbar and

address bar in the minibrowser of RealPlayer, in order to enhance the capabilities of the

minibrowser and prevent the user from having to switch between windows.

Response to Arguments

5.   Applicant's arguments filed 1/20/04 have been fully considered but they are not

persuasive.

Applicant argues that "the 'Presets' in RealPlayer are nothing more than a list of preset

channels that a user can switch between to access desired media," and that nothing indicates that

accessing a Preset and AutoUpdates occur irrespective of one another. However, the

AutoUpdates is simply content that is shown in a minibrowser (right half of screenshot 2) of

RealPlayer. Since a "Preset" does nothing more than change between channels (sources) of

media, the selection of a "Preset" would not have changed the content in the minibrowser of

RealPlayer. Since the user sees the content that is present in the minibrowser, the content that is

displayed in the minibrowser is the content that is browsed. Therefore, selection of a "Preset"

controls the source of streaming media irrespective of the content being browsed (i.e. selection of

a "Preset" does not depend on the content in the minibrowser). Applicant argues that the

screenshots do not show RealPlayer playing the streaming media. While the screenshots show

RealPlayer at a time where it may not be playing media, the screenshots clearly show the

interface of RealPlayer and the capability to display content in a minibrowser and control the

source of streaming media, wherein controlling the source of streaming media is not dependent

on the content displayed in the minibrowser. As a further example, RealPlayer shows a volume

control that clearly controls the volume of the source of streaming media and does not affect

what is displayed in the minibrowser (i.e. controlling the source of streaming media irrespective

of the content being browsed).

Applicant argues that the web page content being browsed in RealPlayer is not the web

page content being displayed. It is unclear as to how web page content may be browsed without

being displayed. The minibrowser of RealPlayer clearly shows a display area for displaying web

page content. Any content that is displayed in this area may be seen and read by the user, and is

therefore being browsed. This content may include the search results from the "Excite" search.

The user is not required to select one of the results; rather the user has the option of playing a

source of streaming media from a preset channel, for example. Therefore, the user may browse

web page content that is displayed in the minibrowser without affecting the source of streaming

media (i.e. the source of streaming media and the content being displayed and browsed are

irrespective of one another). Even if the search results of RealPlayer are displayed in a separate

browser window, the tight integration of RealPlayer and the web browser, as described in page 2

of the Press Release, make the browser window and the RealPlayer window a single graphical

interface, especially considering that RealPlayer and the browser are both part of the same

operating system (graphical interface).

Applicant argues that there is no physical location available to display web page content

in RealPlayer. However, the section to the right in screenshot 2 shows hyperlinks and web

content and is a minibrowser. The fact that this pane may be used to display media from a

selected channel on the left does not take away from the fact that the pane may show web

content. In fact, the media displayed in the pane is a form of web content, and RealPlayer still

shows buttons for controlling the source of streaming media (i.e. volume and mute) that control

the sound of the streaming media irrespective of what is displayed in the minibrowser pane.

Applicant makes similar arguments for claims 19-21.

Conclusion

6.   The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider

these references fully when responding to this action. The documents cited therein teach a media

player with built-in browser.

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing
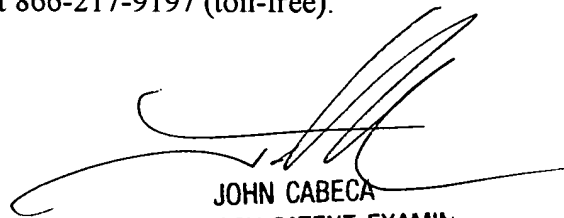
date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shawn M. Becker whose telephone number is 703-305-7756.

The examiner can normally be reached on M-Th 8:00 - 5:30 and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Cabeca can be reached on 703-308-3116. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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